

PATENT

Serial No. 10/580,498

Amendment in Reply to Office Action of June 12, 2008.

REMARKS

This Amendment is being filed in response to the Office Action mailed June 12, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice

By means of the present amendment, claims 1-12 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 1-12 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-12 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,892,900 (Ginter). It is respectfully submitted that claims 1-12 are patentable over Ginter for at least the following reasons.

Column 9, lines 57-61, column 124, lines 30-34, and column 55,

lines 33-37 of Ginter are cited in rejecting independent claims 1 and 8-9. At the outset, it is noted that Ginter has 163 pages of figures and 380 columns of text qualifying this patent as "complex". Therefore pursuant to 37 CFR 1.104, the Examiner must indicate how the reference is being applied. Since the references are complex, Applicants will confine their remarks to those portions cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

Ginter is directed to systems and methods for electronic commerce including secure transaction management and electronic rights protection. The indicated sections of Ginter, merely disclose the following:

Column 9, lines 57-61, merely recites:

VDE ensures the rights of each party to an electronic agreement regarding a wide range of electronic activities related to electronic information and/or appliance usage.

Through use of VDE's control system, traditional content providers and users can create electronic relationships that reflect traditional, non-electronic relationships. (Emphasis added)

Column 124, lines 30-34, merely recites:

"Unbind Item" Ioctl Unbinds an item from a channel

with the appropriate processing algorithm. The Unbind Item call permits the caller to break the binding of an item to a swap block. This call may manipulate the contents of individual swap blocks. (Emphasis added)

Column 55, lines 33-37, merely recites:

"Information utility" 200 in FIG. 1 can be a collection of participants that may act as distributors, financial clearinghouses, and administrators. FIG. 1A shows an example of what may be inside one example of information utility 200. (Emphasis added)

As can be seen from the above, the noted sections of Ginter merely disclose ensuring rights, creating electronic relationships, breaking binding of an item to a swap block, and a collection of participants.

Further, Ginter recites that a ""permissioning agent" 200f may distribute "rules and controls" granting usage or distribution permissions based on a profile of a consumer's credit worthiness, for example." (Column 55, lines 53-56; emphasis added)

Thus, the noted portions of Ginter merely base distribution permissions on a profile of a consumer's credit worthiness, without any disclosure or suggestion as to how this profile is created or how the credit worthiness is determined.

It is respectfully submitted that Ginter does not teach or

suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 8-9 which, amongst other patentable elements, recites (illustrative emphasis provided) :

making statistics of the information of the first registration of the optical disc by the user to produce a statistical result;

comparing the statistical result with a preset value to form a comparison result; and

determining the credit of the user according to the comparison result.

These features are nowhere disclosed or suggested in Ginter. Rather, Ginter merely states that granting usage or distribution permissions is based on a profile of a consumer's credit worthiness, without any comparison of statistical result with a preset value, and determination of the user credit according to the comparison result.

Accordingly, it is respectfully submitted that independent claims 1 and 8-9 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-7 and 10-12 are also allowable at least based on their dependence from amended independent claims 1 and 9.

In addition, Applicants deny any statement, position or

PATENT

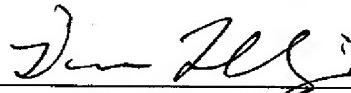
Serial No. 10/580,498

Amendment in Reply to Office Action of June 12, 2008

averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Applicant(s)  
September 11, 2008

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101